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Re: *Roy v. Ittycheria et al.*, 1:24-cv-07594

MEMORANDUM ENDORSED

Hon. Gregory H. Woods
United States District Court
for the Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Dear Judge Woods:

We represent Nominal Defendant MongoDB, Inc. (“MongoDB”) and the Individual Defendants¹ (together with MongoDB, “Defendants”) in the above-referenced action (the “Action”). We submit this letter jointly on behalf of all Defendants and Plaintiff Anand Roy (together, the “Parties”) and pursuant to Rule 1.F of this Court’s Individual Rules of Practice. As set forth below, all Parties respectfully request that, in the interest of judicial economy, the Court enter the Stipulation and [Proposed] Order Staying Action filed with the Court earlier today at ECF No. 10 (the “Stipulation”). The Stipulation would stay all deadlines pending the outcome of the anticipated motion to dismiss in *Baxter v. MongoDB Inc., et al.*, Case No. 1:24-cv-05191-GHW (the “Baxter Securities Action”), a putative federal securities class action also pending before this Court. MongoDB was served with the Complaint in this Action on October 8, 2024, and its current deadline to respond is October 29, 2024; no other Defendant has yet been served.

This Action is a putative derivative action. Plaintiff seeks to bring claims on behalf of Nominal Defendant MongoDB against the Individual Defendants, who are current and former officers and directors of MongoDB. The claims in this Action are based on similar allegations to those asserted in the Baxter Securities Action. The defendants in the Baxter Securities Action (all of whom are also parties to this Action) anticipate filing a motion to dismiss the Baxter Securities Action pursuant to the Federal Rules of Civil Procedure and the Private Securities Litigation Reform Act, following the Court’s appointment of a lead plaintiff and lead counsel, as well as the filing of any amended complaint in that case.

In the event *this* Action proceeds, Defendants would likewise expect to move to dismiss this Action in its entirety under Federal Rules of Civil Procedure 12(b) and 23.1, including for failure to make a pre-suit demand on MongoDB’s board and for failure to sufficiently plead demand futility. Plaintiff would oppose any such motion. At this time, however, the Parties agree that the outcome of the anticipated motion to dismiss in the Baxter Securities Action will inform the extent to which the Action proceeds, if at all. For that reason and in the interest of judicial economy and avoiding unnecessary motion practice, the Parties wish to stay the Action

¹ The Individual Defendants are Dev Ittycheria, Michael Lawrence Gordon, Archana Agrawal, Roelof Botha, Hope Cochran, Francisco D’Souza, Charles M. Hazard, Jr., Tom Killalea, Ann Lewnes, John McMahon, and Dwight Merriman. The Individual Defendants will accept service of the Complaint pursuant to the Stipulation and [Proposed] Order Staying Action filed with the Court earlier today at ECF No. 10.

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pending a decision on the forthcoming motion to dismiss in the *Baxter* Securities Action. This is the Parties' first request for the adjournment of any deadlines in this Action.²

The Court's authority to enter the Stipulation derives from its "inherent authority to 'control the disposition of the causes on its docket' and . . . to stay an action as an incident of that authority." *Range v. 480-486 Broadway, LLC*, 810 F.3d 108, 113 (2d Cir. 2015) (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)). If so-ordered, the Stipulation would stay all existing deadlines in this case—including but not limited to Defendants' time to respond to the complaint—pending the resolution of the anticipated motion to dismiss the *Baxter* Securities Action.

For the foregoing reasons, the Parties respectfully request that the Court so-order and enter the Stipulation. We are available at the Court's convenience should Your Honor have any questions or otherwise wish to hear from the Parties.

Respectfully yours,

/s/ *Edmund Polubinski*

Edmund Polubinski

cc: All counsel of record via ECF

Electronic Filing

Application granted in part. The parties' request that the Court enter the Stipulation and Proposed Order staying this action pending the resolution of a related action before this Court, Dkt. No. 11, is granted in part. The Court orders that this case is stayed pending the outcome of the anticipated motion to dismiss in *Baxter v. MongoDB Inc., et al.*, Case No. 1:24-cv-05191-GHW. However, the Court takes no position regarding the remaining provisions of the Stipulation and Proposed Order entered at Dkt. No. 10.

The Clerk of Court is directed to note the stay of this case on the docket and to terminate the motion pending at Dkt. No. 11.

SO ORDERED.

Dated: October 25, 2024
New York, New York



GREGORY H. WOODS
United States District Judge

² In the *Baxter* Securities Action, motions for appointment of lead plaintiff and counsel were fully briefed as of September 30, 2024 and are currently pending before the Court.